

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
July 2, 2013**

The regular session of the Auburn City Planning Commission was called to order on July 2, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Spokely, Willick, Worthington

COMMISSIONERS ABSENT: Luebkehan, Vitas

STAFF PRESENT: Will Wong, Community Development Director
Reg Murray, Senior Planner

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

None

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

A. ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING (File 301.3(bb)).

The City of Auburn proposes to amend the Auburn Municipal Code to establish the Emergency Shelter (ES) overlay zone and establish standards for permanent and temporary emergency shelters. The ordinance also permits supportive and transitional housing in the City's multi-family residential (R-3) zone.

Planner Murray presented the staff report, reviewing the history associated with the City's consideration of adopting code amendments for emergency shelters in conformance with Senate Bill 2. He reviewed the City Council's direction to utilize the overlay zone process to allow for emergency shelters, the amendments necessary for the overlay zone code revisions, and the proposed development standards for both permanent and temporary shelters. Planner Murray summarized several revisions to the standards as recommended by the City Council. He also referred to a staff memo released subsequent to the staff report and the two proposed revisions contained therein, one relating to the regulation of smoking, drinking, and drug use

in shelters and another relating to an addition to the operations plan requirements for temporary shelters.

Planner Murray also noted that the Ordinance would permit Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Planner Murray pointed out that a letter had been received from Legal Services of Northern California prior to the meeting and had been provided to the Commission.

Commissioner Worthington asked if staff had researched other jurisdictions in Placer County to see how they were planning for the emergency shelters.

Planner Murray clarified that SB 2 does not require that jurisdictions provide emergency shelters, but adopt zoning standards that would allow shelters by right and without the need for additional discretionary permits.

Commissioner Worthington asked if the overlay process that allows shelters would waive any variance requirements of a use if they would normally be necessary.

Planner Murray stated that the provisions of SB 2 would not waive the need for a variance if required by the use.

Commissioner Worthington questioned wording provided for the temporary shelters.

Planner Murray indicated that the wording was appropriate and had been reviewed by the City Attorney.

Director Wong noted that the standards for temporary shelters had been reviewed with The Gathering Inn since they currently provide for temporary shelter in Auburn.

Commissioner Worthington asked if the operations associated with The Gathering Inn satisfies the requirements of SB 2.

Planner Murray noted that The Gathering Inn operates as a temporary shelter and does not satisfy the requirements of SB 2, which requires that the jurisdiction allow for permanent shelters.

Commissioner Worthington asked why the new ordinance included a definition of "family."

Planner Murray commented that the City's current definition is out of date and needs to be replaced.

Commissioner Worthington expressed concern about the proposed re-wording of the standard addressing smoking, drinking, and drug use in staff's memo.

Planner Murray noted that the language was developed by the City Attorney, that it complies with the requirements of SB 2, and that it insures that the operation of any emergency facility will comply with all applicable laws.

Commissioner Worthington asked if the revised standard prepared by the City Attorney had been reviewed by the Police Department.

Director Wong noted that all operations plans are subject to the review of the Police Department.

Commissioner Worthington stated her support for setting the occupancy limit for temporary shelters at 20 persons to be consistent with City Council's recommended standard for permanent shelters.

Chairman Spokely noted that the two rezone entitlements associated with the zone overlay code amendments are rather narrowly focused and questioned whether Council felt the Industrial (M-2) zone district previously considered by the City had been too broad.

Planner Murray stated that there are a number of M-2 areas throughout the community, but after the addition of a buffer from single-family residential property, the M-2 zone was also limited to two basic areas in town including the Borland and Sacramento Street areas.

Director Wong added that during the City Council's earlier consideration of emergency shelters, staff had provided Council with a review of all of the City's zone districts (excluding Single-family Residential (R-1) and Open Space (OSC)). Based on Council's review of all of the zone districts, Council directed staff to pursue the overlay zone process. Director Wong also noted that the overlay zone process, and the two Rezone entitlements also on the agenda, are the projects presented for the Commission's review, but the Commission could comment on the process selected by Council if they also wished to do so.

Chairman Spokely opened the public hearing.

Suzi Defosset, representing herself as an Auburn resident, a representative of the Placer Consortium on Homelessness, and an executive of The Gathering Inn, addressed the Commission. Ms. Defosset commented that The Gathering Inn uses the "nomadic" model (i.e. housing the homeless at different facilities each day). She noted that a 20-occupant limit for temporary shelters would not be sufficient for The Gathering Inn's operations. She observed that since 2004 their operation has always housed more than 20 people and that in 2012 their average occupancy was 51.6 people per night. On "extreme-weather" nights, where persons might be harmed by

the weather, they have served up to 82 individuals. Ms. Defosset noted that if the occupancy for temporary shelters was limited to 20 persons, that her organization would not be able to serve Auburn. She commented that none of the other jurisdictions that she works have ever set a limit on occupancy other than 60-75 people. She also stated that these same jurisdictions allow 60 people for their permanent shelters. Ms. Defosset commented that she agrees with the other standards included with the proposed code and observed that the Auburn Police Department has never had a problem with The Gather Inn's operations.

Chairman Spokely asked about their staffing and parking needs.

Ms. Defosset stated that they always have at least two staff members and bring in a third staff member on extreme-weather days. She had no objections to the proposed parking standards.

Chairman Spokely asked Ms. Defosset if she had any objections to the new Council requirement to maintain a list of persons attending the shelter.

Ms. Defosset indicated that she had no objection.

Commissioner Willick commended Ms. Defosset and the efforts of The Gathering Inn.

Commissioner Worthington asked how they accept homeless persons dropped off by law enforcement.

Ms. Defosset noted that The Gathering Inn provides their itinerary to all local law enforcement so that they know where they are located so that law enforcement can drop-off homeless individuals that are in need.

Commissioner Worthington asked for clarification on the occupancy numbers for temporary shelters proposed in the ordinance as well as how laundry and shower facilities are provided by The Gathering Inn.

Ms. Defosset reiterated that they would stop any service to Auburn if they are not able to have the occupancy limit increased to 60-75 persons. She noted that they have laundry and shower facilities in Roseville and that showers are provided before individuals are bussed to Auburn.

Commissioner Willick asked staff for clarification on the occupancy numbers for permanent and temporary shelters, what the Commission previously recommended, and the Commission's options for the recommendations to City Council.

Planner Murray reviewed the Planning Commission's previous recommendations for occupancy standards, 30 persons for permanent shelters and 60-75 persons for temporary shelters. He also noted that City Council chose to limit occupancy for

permanent shelters to 20 persons, but remained undecided on the occupancy limit for temporary shelters.

Director Wong noted that the Planning Commission may want to recommend an occupancy limit to City Council for temporary shelters.

Kevin O'Connell, 560 Wall Street, claimed that adequate public notice had not been provided for the public hearing. He also questioned the selection of the Wall Street project area for the Emergency Shelter overlay zone, citing factors such as access and the existing adjacent uses.

Chairman Spokely indicated that Mr. O'Connell's comments related to the Wall Street rezone item appearing later on the agenda and suggested that Mr. O'Connell comment during the public hearing for that item.

Commissioner Willick asked staff to review the public notice provided for the hearing items.

Planner Murray reviewed the public notice requirements and stated that proper public notice had been provided for the code amendment.

Virgil Trainor, owner of the Toyon Building, stated that he wanted to go on record with his opposition to the overlay ordinance.

Robert Procissi asked for clarification as to what is required by the Senate Bill 2.

Planner Murray reviewed the SB 2 requirements and summarized the proposed code amendments.

Chairman Spokely closed the public hearing.

Commissioner Worthington referred to a staff proposal for the provision of shower and laundry facilities and suggested a modification to the proposed wording of the provision.

Director Wong noted that the provision was specifically worded by staff to address both current and future operators of a temporary shelter.

Chair Spokely suggested identifying an occupancy figure for temporary shelters and recommended allowing 60 occupants for normal operations and 75 occupants for extreme weather conditions.

Commissioners Willick and Worthington expressed support for the recommendation.

Commissioner Worthington **MOVED** to adopt Planning Commission Resolution 13-10 recommending that the Auburn City Council approve the Ordinance for the Emergency Shelter overlay zone with the following modifications:

- Section 159.047(A)(5)(I) revised to read as follows: Smoking/drinking/drugs. The operations plan shall include specific measures to enforce local, state, and federal laws regarding the possession, sale, and use of illicit drugs, and regulating the possession, sale, and use of alcohol and tobacco.
- 159.381(B)(2) revised to read as follows: The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants during extreme weather conditions.
- 159.381(B)(6) added as follows: The provision of shower and laundry services shall be included as part of the Operations Plan.

Chairman Spokely **SECONDED** the motion.

Commissioner Willick commented that he preferred a regional approach to the homeless shelter issue and favored the earlier approach considered by the Planning Commission which identified a zone district, the Industrial (M-2) zone, as the appropriate zone district for emergency shelters. He noted that he had trouble with the overlay zone approach and in not knowing where it would be applied in the City in the future.

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| AYES: | Spokely, Worthington |
| NOES: | Willick |
| ABSTAIN: | None |
| ABSENT: | Luebke, Vitas |

The motion was **APPROVED**.

- B. REZONE – EMERGENCY SHELTER OVERLAY (455 NEVADA STREET) – FILE# RE 13-1.** The City of Auburn is proposing to apply the Emergency Shelter (ES) overlay zone to the properties at 445/455 Nevada Street. With the ES overlay zone, permanent emergency shelters for the homeless would be allowed on the subject properties as a use permitted by right, subject to development standards, in addition to all other existing uses permitted by the underlying zone(s).

Planner Murray presented the Emergency Shelter (ES) overlay rezone proposal for the Nevada Street project area. He reviewed the properties that make up the project area as well as the existing zoning and land uses of the project area and the surrounding properties. Planner Murray summarized the ES zoning overlay and noted that the overlay is added to the existing zoning. He noted that the properties associated with the project area would be appropriate to accommodate an emergency shelter.

Planner Murray referred the Commissioners to a new letter submitted by the Nevada Street property owner, Basilio Procissi. The letter expresses opposition to the selection of his property for the ES overlay zone.

Commissioner Worthington asked staff to review the existing zoning on the project area parcels.

Planner Murray explained the three existing zone districts affecting the project parcels.

Chairman Spokely noted that the request considered by the Planning Commission in March 2013 that designated the Industrial zone district as the appropriate zone district for homeless shelters included a separation buffer from properties in the Single-family Residential (R-1) zone district. He asked how the City's prior consideration of a buffer from the R-1 zone affects the overlay zone when it includes property in the R-1 zone.

Planner Murray stated that the overlay zone allows the new use in whichever zone(s) the jurisdiction would like, and that a buffer is not needed since the intent of the overlay is that the jurisdiction considers the site to be an appropriate location for the use (i.e. a homeless shelter).

Commissioner Worthington asked if a lot line adjustment would be necessary to set up a buffer area.

Planner Murray reviewed the prior consideration given to the inclusion of a separation buffer from the Industrial zone; and, stated that a lot line adjustment would not be necessary for a buffer.

Director Wong added that the Commission could still include a buffer with the overlay if the Commission wished to do so.

Planner Murray described on the exhibit drawings how a buffer might be utilized.

Chairman Spokely indicated his concern with the Commission's prior consideration of a buffer from the R-1 zone and the overlay request with property includes an R-1 zone designation.

Director Wong reiterated that the overlay allows you to set the overlay where you think it is appropriate and therefore there is no need to include a buffer.

Commissioner Worthington suggested reconsidering whether the project area is appropriate for the ES overlay zone based on services in the area, the proximity to transit, and surrounding uses.

Chairman Spokely asked about the noticing was provided for the rezone proposal.

Planner Murray stated that public notice complies with State law and included publication in the Auburn Journal and a mailing to all property owners within 500' of the project area.

Chairman Spokely opened the public hearing.

Robert Procissi spoke on behalf of the Nevada Street property owner, Basilio Procissi. He recognized that the discussion about homeless shelters is not an easy issue to address, but the proposal affects property rights and he is concerned that it may lead to additional unknown impacts to the property in the future. If the State mandates this requirement, what other types of things might the State require in the future? Mr. Procissi pointed out that development of any property is already a complex process and that this overlay designation would complicate development of the property in the future. Mr. Procissi stated that the project site is one of the last big commercial pieces of property in the City that would help the City financially. He requested that the property be taken out of the overlay and that the City should find alternative areas that are more appropriate. Mr. Procissi noted past problems with the homeless on the PG&E property to the west of the project site and thought the City should solicit comments about the Nevada Street overlay zone from both PG&E and PCWA.

Chairman Spokely asked Mr. Procissi if he had been contacted by any City representatives about the overlay proposal prior to the legal notification.

Mr. Procissi stated that his family did receive the legal notice in the mail, but was not aware of any other contact by the City about the rezone prior to the notice.

Chairman Spokely asked Mr. Procissi if he was aware that the underlying zoning remains unchanged.

Mr. Procissi stated that he spoke with Director Wong prior to the hearing and understood the zoning proposal.

Wayne Eisley addressed the Commission and asked whether a shelter would get built once the property is zoned. He questioned whether the Nevada Street area was the best spot for a homeless shelter and expressed concern that the homeless would seek shelter in the nursery greenhouses after being turned away from the homeless shelter and could be exposed to the spraying of plants.

Mr. Eisley stated that he only found out about the request from a newspaper article and that his father, who owns property near the project site, did not receive public notice.

He suggested that there are better sites for a shelter in Auburn and mentioned several alternative sites including the County building on Fulweiler Drive, the old juvenile hall on Epperle Way, the cemetery, by the railroad tracks at the railroad tunnel south of Mt. Vernon Road, and the road by Starks Apartments.

Chairman Spokely closed the public hearing.

Commissioner Worthington asked what the Council's direction to staff was on April 8th in regards to the additional analysis of the City's zone districts and the zone overlay process.

Director Wong summarized the City Council's direction and that staff provided a review of all of the City's zone districts, with the exception of the Single-family Residential and the Open Space zones. In addition, staff provided Council with information about the zone overlay process as well as information for several possible areas where the overlay might be appropriate. He noted that City Council chose the Nevada Street and Wall Street project areas from the multiple options that they originally considered.

Commissioner Worthington asked for confirmation that the new ES overlay does not limit the property owner from developing the property with any of the uses allowed by the current zone district(s).

Planner Murray stated that the new zone would not preclude any of the uses allowed by the existing zoning.

Commissioner Spokely commented that he still has concerns about the buffer issue from the R-1 zone that was part of the Commission's prior consideration at their earlier hearing in March. He expressed concern that no one from the City Council or City staff spoke with the property owner about the owner's interest in the proposal before Council selected the site for the zone overlay.

Planner Murray noted that staff provided proper public notice of the Commission hearing.

Commissioner Spokely stated he was struggling with whether the Nevada Street site was an appropriate location and that he felt that separation of shelters from the Single-family Residential zone was an important issue.

Commissioner Willick stated that he is concerned with the "shadow" placed on the property with the ES zone overlay and the continued erosion of property rights.

Commissioner Worthington asked if there were any compliance issues for the City in regards to SB 2.

Director Wong noted the requirements of SB 2 and summarized the timing requirements associated with the review and adoption of the City's Housing Element update. He noted that the Commission's decision this evening is a recommendation that will be forwarded to the City Council.

Planner Murray stated that City Council would hear the code amendment and the two Rezone entitlements on July 22, 2013.

Commissioner Worthington commented that a regional solution to the homeless issue is very valid approach, as that additional analysis to find a better site is important.

Commissioner Willick noted that the Commission's responsibility is to recommend whether or not the Nevada Street project area is an appropriate site for the ES overlay zone.

Director Wong confirmed that the Commission's duty is to provide their recommendation on the overlay zone. He noted that the City Council has already been provided with additional analysis about the City's zone districts and potential sites for the ES overlay zone. He also noted that the other jurisdictions in the County already comply with the SB 2 requirements and the regional approach had already been considered by the City Council.

Commissioner Worthington **MOVED** to adopt the Negative Declaration prepared for the Nevada Street overlay rezone.

Chairman Spokely commented that he does not believe he can support the Rezone request but is willing to second the motion to advance the discussion. Commissioner Spokely **SECONDED** the motion to adopt the Negative Declaration prepared for the Nevada Street overlay rezone.

The Commission discussed the possible motions about the environmental document and the Rezone entitlement.

Commissioner Worthington withdrew her original motion.

Commissioner Spokely **MOVED** to recommend denial of the Rezone for the Emergency Shelter (ES) overlay zone at 445/455 Nevada Street.

Commissioner Willick **SECONDED** the motion.

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| AYES: | Spokely, Willick |
| NOES: | Worthington |
| ABSTAIN: | None |
| ABSENT: | Luebke, Vitas |

The motion was **APPROVED**.

Chairman Spokely explained to the public that the proposal was forwarded to City Council with a recommendation against approval of the ES overlay for the Nevada Street site.

- C. REZONE – EMERGENCY SHELTER OVERLAY (555/570/580 WALL STREET) – FILE# RE 13-2.** The City of Auburn is proposing to apply the Emergency Shelter (ES) overlay zone to the properties at 555/570/580 Wall Street. With the ES overlay zone, permanent emergency shelters for the homeless would be allowed on the subject properties as a use permitted by right, subject to development standards, in addition to all other existing uses permitted by the underlying zone(s).

Planner Murray presented the Emergency Shelter (ES) overlay rezone proposal for the Wall Street project area. He reviewed the properties that make up the project area as well as the existing zoning and land uses of the project area and the surrounding properties. Planner Murray summarized the ES zoning overlay and noted that the overlay is added to the existing zoning. He noted that the properties associated with the project area would be appropriate to accommodate an emergency shelter.

Commissioner Worthington noted that Lot 3 of the project area has existing entitlements approved for the site and asked how the overlay zone affects the entitlements if they were to expire.

Planner Murray stated that the overlay has no effect on the status of the entitlements.

Chairman Spokely asked if there was any outreach by the City to the property owners in the project area.

Planner Murray stated that he was not aware of any outreach to the property owners.

Chairman Spokely opened the public hearing.

Suzi Defosset with The Gathering Inn offered a suggestion that the City consider applying the ES zone district overlay to the entire City.

Kevin O'Connell, 560 Wall Street, commented on the suggestion by Ms. Defosset and noted that the City would have no control with the citywide overlay. He referred to concerns expressed by Commissioner Willick earlier in the hearing and suggested that the City needs to do the right thing by looking at alternative locations such as the juvenile hall and the World War II barracks (in Placer County). Mr. O'Connell also stated that he believed the regional approach to be the practical solution. He then reviewed the properties on Wall Street and stated that the Wall Street area is not an appropriate location. Mr. O'Connell requested that staff provide him with the list of names used for the public notice of this item.

Jan Haldeman, 5085 Eagles Nest, stated that he is a property rights advocate and is also on the Salvation Army advisory board. He acknowledged that the City's efforts to address the homeless shelter issue are worthy, but suggested that the City Council's selection of the Nevada Street and Wall Street properties may not be the best options. He noted that the Nevada Street properties are nice commercial lots for future development and the Wall Street locations are not the place for the homeless given current uses in the area. Mr. Haldeman questioned why the City Council didn't consider the Auburn Airport and suggested that the City consider rezoning church sites and the Salvation Army's location so that they could house the homeless.

Commissioner Worthington asked about the Salvation Army's operations.

Mr. Haldeman commented that the Salvation Army's focus is to assist the homeless, but noted that they are not allowed to feed or house the homeless at their current site on Sutter Street due to the existing zoning.

Commissioner Worthington asked what zone district the Salvation Army site is situated in.

Planner Murray stated that the Salvation Army site is located in the Single-family Residential (R-1) zone district.

Virgil Trainor addressed the Commission. He stated that he believes that Wall Street is not the place to care for the homeless. Mr. Trainor noted that he has given the Salvation Army over 2,000 pounds of fresh vegetables. He recommended that the City not approve the overlay zoning on the Wall Street lots and that it look elsewhere to apply the overlay zone.

Jackie Trainor commented about being notified of the Commission hearing. She stated that she received public notice of the hearing on the Wednesday before the Commission hearing and commented that she socializes with members of the City Council and no one had mentioned the zone overlay proposal. Mrs. Trainor stated that she is opposed to the Wall Street location because she feels the overlay zone would decrease their property values and would also restrict them from moving forward with their plans to develop their lot if it has the ES overlay.

Chairman Spokely closed the public hearing.

Chairman Spokely thanked the public in the audience for attending the Commission hearing and noted that this is an important item and that the Commission is trying to figure out how to deal with State requirements.

Chairman Spokely asked staff if the City could fulfill its SB 2 obligations by rezoning the churches in the community so that they could house the homeless.

Planner Murray stated that it might be possible to satisfy the SB 2 requirements, but it would depend on the City identifying a sufficient number of adequate sites.

Director Wong commented that public notice would need to be provided for each potential site selected, so the noticing process for the public hearings would be extensive.

Chairman Spokely stated he wasn't aware of the various options previously considered by the City Council, but he likes the idea of the overlay zone process in that it allows the City to be more surgical in finding the right locations in our community. He recognized the need for homeless shelters and understands the deadlines the City faces, but thought the City is rushing to a decision on the issue. He stated that he is not aware of all the research used by the Council in their decision to identify the Nevada Street and Wall Street sites. Chair Spokely commented that he does not see the Wall Street site as a good location. He observed that the two options currently being considered include seven lots and wonder if there might be seven churches in town who might want to participate with the overlay process.

Director Wong noted that the City Council considered multiple sites in town and few, if any, would be less controversial. Staff did not provide Council with data on the R-1 zone due to prior concerns about setting buffers from shelter; and, Council chose not to include any single-family neighborhoods, which is where churches are typically located.

Commissioner Worthington stated that churches may not be able to meet the requirements to provide for a permanent shelter.

Chairman Spokely commented that a church could be modified to accommodate a permanent shelter.

Planner Murray reiterated that the City would have to identify a sufficient number of church sites and that the issue of the number of sites was considered by the Council previously.

Commissioner Worthington commented that the Wall Street project area isn't appropriate due to surrounding uses and characteristics of the project area such as topography.

Commissioner Worthington **MOVED** to recommend denial of the Rezone for the Emergency Shelter (ES) overlay zone at 555/575/580 Wall Street.

Commissioner Willick **SECONDED** the motion.

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| AYES: | Spokely, Willick, Worthington |
| NOES: | None |

ABSTAIN: None
ABSENT: Luebke, Vitas

The motion was **APPROVED**.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

Director Wong reported that the Emergency Shelter overlay ordinance and the two rezone requests on this agenda are scheduled for review by the City Council on July 22, 2013.

B. Future Planning Commission Meetings

None

C. Reports

None

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

Commissioner Worthington stated that the City of Auburn has been included in Caltrans' new guide called Main Street California as an example of downtown redevelopment which demonstrates complete streets, livability and sustainability principles for multi-modal transportation.

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

IX. ADJOURNMENT

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Reg Murray